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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/510,938

Applicant(s)DAVIES, TIMOTHY RICHARD
PARRY**Examiner**

RITA K. SINHA

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/1/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 31 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg (3,009,275).

As per claim 1, Rosenberg discloses an assembly for mounting a display item, the assembly comprising a sheet element (4) and at least one elongate member (2), the at least one elongate member being attached to the edge of the sheet element at first and second points (See Figure 1); wherein, in use, the at least one elongate member retains the display item in position (See Figure 1).

As per claim 2, Rosenberg further discloses that the first and second points along the edge of the sheet element are at opposed corners of the sheet element (See Figure 1).

As per claim 3, Rosenberg further discloses that the corners are diametrically opposed (See Figure 1).

As per claim 4, Rosenberg further discloses that a plurality of elongate elements are provided and at least two of said elongate elements cross each other (See Figure 1).

As per claim 5, Rosenberg further discloses that at least one elongate member is a strap (2). (See Figure 1)

As per claim 7, Rosenberg further discloses that at least one end of the strap is provided with an attachment device (1) for attaching the strap to the edge of the sheet element. (See Figure 1)

As per claim 31, Rosenberg further discloses a plurality of elongate members (See Figure 1).

As per claim 40, Rosenberg discloses an assembly for mounting a display item, the assembly comprising a sheet element (4) and a retaining member (1), the display item being locatable between the sheet element and the retaining member; wherein, in use, the retaining member is attached to the corners of the sheet element to retain the display item in position (See Figure 1).

3. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Bellah (6,045,159).

As per claim 37, Bellah discloses an assembly comprising a frame element (12), a sheet element (20) and at least one elongate member (18), wherein said at least one elongate member extends across the front of the sheet member to retain the sheet member in position relative to said frame element (See Figure 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) as applied to claim 5 above, and further in view of Marsh (1,880,099).

As per claim 6, Rosenberg discloses the above claimed limitations. However, it fails to disclose that at least one end of the strap is provided with an opening for receiving a corner of the sheet element to attach the elongate element to the edge of the sheet element.

Marsh discloses the concept of a strap (14) that has an opening (15) at one end. (See Figure 2)

From this teaching of Marsh, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the strap of Rosenberg to include the opening at one end of Marsh for the purpose of enabling the strap to connect directly to any corresponding surface.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) as applied to claim 7 above, and further in view of Sobel (4,531,315).

As per claim 8, Rosenberg discloses an attachment device. However it fails to disclose that the attachment device is a bracket locatable on an edge of said sheet element.

Sobel discloses the concept of a bracket (18) that is locatable on an edge of a sheet element. (See Figures 1 and 2)

From this teaching of Sobel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the attachment device of Rosenberg to include the bracket of Sobel for the purpose of enabling a more rigid connection of the sheet element and elongate member.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) as applied to claim 5 above, and further in view of Safwat et al. (6,374,531).

As per claim 9, Rosenberg discloses straps. However, it fails to disclose that at least one strap is twisted along its length.

Safwat discloses the concept of at least one strap that is twisted along its length. (See Figure 41)

From this teaching of Safwat, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the strap of Rosenberg to

include the twisted strap of Safwat for the purpose of increasing the strength and rigidity of the strap, improving support of the sheet element.

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) as applied to claim 1 above, and further in view of Cederberg et al. (1,778,660).

As per claim 30, Rosenberg discloses the above claimed limitations. However, it fails to disclose an elasticated member to retain at least one of said elongate members in position.

Cederberg discloses the concept of an elasticated member (21) used to retain at least one of elongate members in position. (See Figure 2)

From this teaching of Cederberg, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the elongated member of Rosenberg to include the elasticated member of Cederberg for the purpose of enabling the elongated members to adapt to any size frame assembly.

9. Claims 10-13, 15-17, 22-25, 32, 35-36 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) as applied to claim 1 above, and further in view of Burke (4,063,378).

As per claim 10, Rosenberg discloses a sheet element. However, it fails to disclose a frame element extending around the circumference of the sheet element.

Burke discloses the concept of a frame element (12) that extends around the circumference of a sheet element.

From this teaching of Burke, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sheet element of Rosenberg to include the frame element of Burke for the purpose of providing a protective element to support the sheet element.

As per claim 11, Rosenberg as modified by Burke disclose the above claimed limitations. Burke discloses an aperture (20) that is formed in said frame element and said sheet element is located in said aperture (See Figure 2).

As per claim 12, Rosenberg as modified by Burke disclose the above claimed limitations. Burke discloses that the attachment of the sheet element to the at least one elongate member (36) fixedly locates the sheet element relative to the frame element (See Figure 2).

As per claim 13, Rosenberg as modified by Burke disclose the above claimed limitations. Burke discloses that at least one end (38) of the at least one elongate member is fixedly attached to the frame element (See Figures 2 and 3).

As per claim 15, Rosenberg as modified by Burke discloses the above claimed limitations. Rosenberg discloses that at least one of said elongate members is provided with at least one mounting element (1), said at least one mounting element engaging an edge of said sheet element (See Figure 1) to attach it to said elongate member (2).

As per claim 16, Rosenberg as modified by Burke discloses the above claimed limitations. Rosenberg discloses that each mounting element has an opening (8) therein through which an associated elongate member extends (See Figure 4).

As per claim 17, Rosenberg as modified by Burke discloses the above claimed limitations. Rosenberg discloses that an edge of the sheet element is located in each said opening to attach the sheet element to the elongate member (See Figure 1).

As per claim 22, Rosenberg as modified by Burke discloses the above claimed limitations. Burke discloses that at least one recess (26) is provided in said frame element to accommodate each mounting element.

As per claim 23, Rosenberg as modified by Burke disclose the above claimed limitations. Burke discloses that the frame element restrains the sheet element (28) on at least two sides (See Figure 3).

As per claim 24, Rosenberg as modified by Burke disclose the above claimed limitations. Burke discloses that at least two sides are parallel (See Figure 3).

As per claim 25, Rosenberg as modified by Burke disclose the above claimed limitations. Burke discloses that the sheet element (28) is located in substantially the same plane (20) as the frame element (See Figure 3).

As per claim 32, Rosenberg discloses the above claimed limitations. However, it fails to disclose that a display item is situated between the sheet element and at least one elongate member.

Burke discloses the concept of a display item (30) that is situated between a sheet element (28) and at least one elongate member (34).

From this teaching of Burke, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sheet element of Rosenberg to include a display item of Burke for the purpose of providing more variety to the display options.

As per claim 35, Rosenberg discloses an assembly comprising a sheet element (4), and at least one elongate member (2), the at least one elongate member being attached to the corners of the sheet element at first and second points (See Figure 1).

However, Rosenberg fails to disclose that the assembly comprises a frame element and that the elongate member is mounted on the frame element.

Burke discloses the concept of an assembly that comprises a frame element (12) and an elongate member (34) that is mounted on the frame element (See Figure 2).

From this teaching of Burke, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the assembly of Rosenberg to include the frame element of Burke for the purpose of providing a protective element to support the sheet element.

As per claim 36, Rosenberg as modified by Burke disclose the above claimed limitations. Rosenberg further discloses at least one attachment device (1) located on the at least one elongate member (2) to attach the sheet element to the at least one elongate member (See Figure 1).

As per claim 45, Rosenberg discloses the above claimed limitations. However, it fails to disclose that the sheet element is transparent, partially transparent or translucent.

Burke discloses the concept of a sheet element (28) that is transparent, partially transparent or translucent.

From this teaching of Burke, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sheet element of Rosenberg to include the transparent sheet element of Burke for the purpose of providing a protective element to support the sheet element.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) in view of Burke (4,063,378) as applied to claim 15 above, and further in view of Outts (349,631).

As per claim 18, Rosenberg as modified by Burke discloses a mounting element. However, it fails to disclose that the mounting element is rotatable about an axis perpendicular to the longitudinal axis of the elongate member to facilitate attachment of the sheet element to the elongate member.

Outts discloses the concept of mounting element (A) that is rotatable about an axis perpendicular to the longitudinal axis of the elongate member (See Column 1 Lines 8-21).

From this teaching of Outts, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting element of Rosenberg as modified by Burke to include the mounting element of Outts for the purpose of enabling the sheet element to be secured outside of its corner attachments.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) in view of Burke (4,063,378) as applied to claim 15 above, and further in view of Taylor (5,127,342).

As per claim 20, Rosenberg as modified by Burke discloses a mounting element. However, it fails to disclose that at least one mounting element is a hollow truncated cone.

Taylor discloses the concept of a mounting element that is a hollow truncated cone (See Figure 1).

From this teaching of Taylor, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting element of Rosenberg as modified by Burke to include the mounting element of Outts for the purpose of enabling the enabling the sheet element to be secured outside of its corner attachments.

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) in view of Burke (4,063,378) as applied to claim 15 above, and further in view of Cederberg et al. (1,778,660).

As per claim 21, Rosenberg as modified by Burke discloses the above claimed limitations. However, it fails to disclose that the mounting element is L-shaped and engages an edge of said sheet element.

Cederberg discloses the concept of a mounting element (15) that is L-shaped (See Figure 4) and engages an edge of a sheet element (See Figure 2).

From this teaching of Cederberg, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting element of Rosenberg as modified by Burke to include the L-shaped element of Cederberg for the purpose of enabling an easy connection for the mounting element to a corner of sheet element.

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) in view of Burke (4,063,378) as applied to claim 10 above, and further in view of Schier et al. (5,090,143).

As per claim 26, Rosenberg as modified by Burke discloses the above claimed limitations. However, it fails to disclose that the elongate member is a strut.

Schier discloses the concept of elongate members that are struts (40).

From this teaching of Schier, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the elongated members of Rosenberg as modified by Burke to include the strut of Schier for the purpose of providing rigidity to sheet members that are poster-like.

14. Claims 19, 27-29, 33 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) in view of Burke (4,063,378) as applied to claim 10 and 15 above, and further in view of Ellison (5,619,816).

As per claim 19, Rosenberg as modified by Burke discloses the above claimed limitations. However, it fails to disclose that at least one mounting element is a hoop.

Ellison discloses the concept of mounting elements that are hoops (H1-H4).

From this teaching of Ellison, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting element of Rosenberg as modified by Burke to include the hoop of Ellison for the purpose of enabling the elongated strap to attach easily through the hoop.

As per claim 27, Rosenberg as modified by Burke discloses the above claimed limitations. However, it fails to disclose that the frame element is curved in cross section.

Ellison discloses the concept of a frame member (10) that is curved in cross section. (See Figure 3)

From this teaching of Ellison, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the frame element of Rosenberg as modified by Burke to include the curved cross section of Ellison for the purpose of enabling the frame to be placed on any horizontal surface.

As per claim 28, Rosenberg as modified by Burke and Ellison discloses the above claimed limitations. Ellison discloses that the curvature of the frame enables the frame to rest in an upright position on a horizontal surface (15). (See Column 2 Lines 9-11)

As per claim 29, Rosenberg as modified by Burke and Ellison discloses the above claimed limitations. Ellison discloses that the curvature of the frame is caused by bowing at least one of said elongate members (13). (See Figure 3 and Column 3 Lines 43-49)

As per claim 33, Rosenberg as modified by Burke discloses the above claimed limitations. However, it fails to disclose that at least one mounting element is in the form of a hoop, wherein the or each hoop is formed by folding a flap of the frame element up, down or round to engage with an edge of the sheet element and the at least one elongate member.

Ellison discloses the concept of at least one mounting element that is in the form of a hoop (H1-H4).

From this teaching of Ellison, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mounting element of Rosenberg as modified by Burke to include the hoop of Ellison for the purpose of enabling the elongated strap to attach easily through the hoop.

As per claim 46, Rosenberg as modified by Burke and Ellison discloses the above claimed limitations. Ellison discloses a stand element for supporting the display frame on a horizontal surface (15). (See Figure 4)

15. Claims 14, 34, 39, and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (3,009,275) in view of Burke (4,063,378) as applied to claim 10 above, and further in view of Bellah (6,045,159).

As per claim 14, Rosenberg as modified by Burke discloses an elongate member that extends behind the sheet element to tray the sheet element in position. However, it fails to disclose at least one elongate member that extends in front of the sheet element to tray said sheet element in position.

Bellah discloses the concept of at least one elongate member (18) that extends in front of a sheet element to tray it in position (See Figure 1).

From this teaching of Bellah, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the elongate members of Rosenberg as modified by Burke to include the front elongate member of Bellah for the purpose of providing additional protection to the sheet element, ensuring that it is held in position.

As per 34, Rosenberg discloses an assembly comprising a sheet element (4) and a plurality of elongate members (2), each elongate member being attached to the edge of the sheet element at first and second points (See Figure 1); and at least one elongate member extends behind. (See Figure 1)

However, Rosenberg fails to disclose a frame element and that the elongate member extends behind the frame element to mount the sheet element in the frame element.

Burke discloses the concept of a frame element (12) and that an elongate member (34) extends behind the frame element to mount a sheet element (28) in the frame element. (See Figures 2 and 3)

From this teaching of Burke, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the assembly of Rosenberg to include the frame element of Burke for the purpose of providing a protective element to support the sheet element.

Rosenberg as modified by Burke discloses the above claimed limitations. However, it fails to disclose that at least one elongate member extends in front of the frame element.

Bellah discloses the concept of at least one elongate member (18) that extends in front of a frame element (See Figure 1).

From this teaching of Bellah, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the elongate members of Rosenberg as modified by Burke to include the front elongate member of Bellah for the purpose of providing additional protection to the sheet element, ensuring that it is held in position.

As per claim 39, Rosenberg as modified by Burke and Bellah disclose the above claimed limitations. Burke discloses that the sheet element is a display item, for example a mirror, a clock, a lamp or a tile with a picture (30) provided thereon.

As per claim 41, Rosenberg discloses an assembly for mounting a display item, the assembly comprising a sheet element (4), and at least a first and second elongate member (2), and the second elongate member being provided behind the sheet element, the elongate members being attached to each other (See Figure 1).

However, Rosenberg fails to disclose a frame element and that the ends of the elongate members engage the frame member to mount the sheet member.

Burke discloses the concept of a frame element (12) and that the ends of elongate members (34) engage the frame member to mount the sheet member. (See Figures 2 and 3)

From this teaching of Burke, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the assembly of Rosenberg to include the frame element of Burke for the purpose of providing a protective element to support the sheet element.

Rosenberg as modified by Burke discloses the above claimed limitations. However, it fails to disclose that the first elongate member is in front of the sheet element.

Bellah discloses the concept of at least one elongate member (18) that extends in front of a frame element (See Figure 1).

From this teaching of Bellah, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the elongate members of Rosenberg as modified by Burke to include the front elongate member of Bellah for the purpose of providing additional protection to the sheet element, ensuring that it is held in position.

As per claim 42, Rosenberg as modified by Burke and Bellah disclose the above claimed limitations. Burke discloses that the ends of the elongate members (38) are located in at least one recess (26) provided in the frame member (12) so as to engage said frame member (See Figures 2, 3 and 4).

As per claim 43, Rosenberg as modified by Burke and Bellah disclose the above claimed limitations. Rosenberg discloses that a mounting element (1) is provided to engage at least one corner of the sheet element. (See Figure 1)

As per claim 44, Rosenberg as modified by Burke and Bellah disclose the above claimed limitations. Burke discloses that the frame element is corrugated (26) and the ends of the elongate members (38) are each received in a recess in said corrugations (See Figure 2).

16. Claims 38 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellah (6,045,159) as applied to claim 37 above, in view of Burke (4,063,378).

As per claim 38, Bellah discloses the above claimed limitations. However, it fails to disclose that at least one elongate member is inserted through two holes provided in the frame member.

Burke discloses the concept of at least one elongate member (34) that is inserted through two holes (26) provided in a frame member.

From this teaching of Burke, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the frame member of Bellah to include the two holes of Burke for the purpose of enabling a more secure connection of the sheet element to the frame.

As per claim 47, Bellah discloses the above claimed limitations. However, it fails to disclose a kit of parts for making an assembly.

Burke discloses the concept of a kit of parts for making an assembly (See Column 5 Lines 36-39).

From this teaching of Burke, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the assembly of Bellah to

include the kit of parts of Burke for the purpose of providing a rapid and easy assembly for the user.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mandel (1,462,419) discloses a picture retaining device for picture frames. Wu (4,028,832) discloses a corner hook frame. Spector (3,256,630) discloses a supporting means for display panels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA K. SINHA whose telephone number is (571)270-3027. The examiner can normally be reached on M-F 730-500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RKS

/Lesley D. Morris/

Supervisory Patent Examiner, Art Unit 3611